

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**JAMES LYNN GARRETT and
SHANNON MARIE GARRETT**

Plaintiffs,

v.

**THE ILLINOIS STATE
TOLL HIGHWAY AUTHORITY,
FREDDY DICKERSON, MARIO
CALABRESE, PAUL EDWARD
GONZALEZ, JOHN BENDA,
DONALD J. McLENNAN, STEVEN
T. MUSSER, and MICHAEL ZADEL**

Defendants

Case No. 07 C 6882

Judge Guzman

Magistrate Judge Cox

DEFENDANT'S MOTION TO DISMISS

Now come the defendants, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY, FREDDY DICKERSON, MARIO CALABRESE, PAUL EDWARD GONZALEZ, JOHN BENDA, DONALD J. McLENNAN, STEVEN T. MUSSER, and MICHAEL ZADEL, by their attorney, LISA MADIGAN, Attorney General of the State of Illinois, and LARRY R. WIKOFF and TIFFANY I. BOHN, Assistant Attorneys General, and move this Honorable Court, pursuant to Illinois Code of Civil Procedure, Section 2-619(a)(3), [735 ILCS 5/2-619 (a)(3)] West 2008, to dismiss this action or in the alternative to abstain from exercising jurisdiction and to hold the matter in abeyance and stay all proceedings pursuant to the Colorado River¹ doctrine of abstention based upon the fact that there are currently pending parallel actions in the Circuit

¹ Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976).

Court of Cook County, Illinois which involve substantially the same parties, facts, legal issues, and which arise out of the same occurrence.

LISA MADIGAN,
Attorney General State of Illinois

Respectfully submitted,
Illinois State Toll Highway Authority

Larry R. Wikoff,
Assistant Attorney General
Attorney for Defendants

Larry R. Wikoff
2700 Ogden Avenue
Downers Grove, IL 60515
(630) 241-6800 x 1505
ARDC No. 3013898

